HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 21550 OF 1999

–

Between:

P.G. Vijay Bhaskar

.... Petitioner

AND

The A.P. Transmission Co. Ltd.,
Rep. by its Managing Director,
Hyderabad & another

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri G. Praveen Kumar

Counsel for the respondents : Shri Samineni Kishore

Dated: 24.01.2007

In this petition, the petitioner has prayed for quashing communication dated 28.11.1998 vide which Superintending Engineer, Operation Circle, Ananthapur (respondent No.2 herein) rejected his candidature for appointment on the post of Junior Lineman on the ground that he does not possess prescribed qualifications.

A perusal of the record shows that the petitioner is 10th pass. He worked in the services of the erstwhile Andhra Pradesh State Electricity Board (for short, 'the Board') as contract labour. He filed Writ Petition No.30374 of 1997 for issue of a mandamus to the respondents to consider his case for appointment in accordance with the policy contained in B.P.Ms.No.36 dated 18.05.1997. The same was disposed of by the learned Single Judge on 19.11.1997 with the direction that the candidature of the petitioner be considered in accordance with the policy decision taken by the Board. In compliance of the Court's order, respondent No.2 interviewed the petitioner, but rejected his candidature on the ground that he does not possess the prescribed qualifications.

I have heard learned counsel for the parties. There is no dispute between the parties that the persons possessing the requisite qualification could only be considered for appointment in terms of the policy contained in B.P.Ms.No.36, dated 18.05.1997. This is evinced from paragraph 5 (a) and (b) of B.P.Ms.No.36, which are extracted below:

> "5. The guidelines for selection of the candidates from the above categories shall be as follows:
> a) Age: Age shall be reckoned as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of age.
> b) Educational Qualifications:- Educational qualifications shall be as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of educational qualifications or other relevant technical qualifications, which are prescribed in the service regulations for such appointment."

Although the service regulations framed by the Board under Section 79(c) of the Electricity (Supply) Act, 1948 do not specify the qualifications for the post of Lineman, the same will be deemed to have been prescribed vide B.P.Ms.No.1048, dated 23-9-1989 read with Memo No.DP/DM-1/A2/762/94-1, dated 23.10.1994. For the sake of reference, the relevant portions of B.P.Ms.No.1048, dated 23.09.1989 and Memo dated 23.10.1994 are reproduced below:

> **"B.P.Ms.No. 1048:**
>
> **Proceedings:**
>
> As per the existing O.S.S. Non-Statutory Rules the following are the qualifications prescribed for the post of Helper.

i) Ability to read and write.
ii) One year practical experience either in O&M/Construction works.

The above qualifications were prescribed in the year 1958 and continued as such till todate. But the time of prescribing the above qualifications there were no qualified candidates. But, in view of the above circumstances, several persons with academic qualifications and technical qualifications are available now. It is therefore considered desirable to prescribe higher qualifications for direct recruitment of Helpers.

The A.P. State Electricity Board after careful consideration prescribes the following qualifications for the post of Helpers.

i) A pass in SSLC/SSC/10th class;
ii) A pass in ITI preferably with Electrician Trade or
iii)Vocational course in Electrical trade.

These orders will come into effect from the date of issue."

Memo No.DP/DM-1/A2/762/94-1:

The issue regarding redesignation of Helper is under consideration of the Board since long back.

2. After careful consideration the APSE Board directs that posts of 'Helper' in O&M/Construction establishment shall be redesignated as indicated below:

i) 'Junior Lineman' – in Operation circles/TLC/Construction circles etc;
ii) 'Junior Plant Attendent' – in Generating Stations/Projects.

3. However there shall be no change in functions and duties, service conditions etc; and these orders are only mere redesignation of the posts.

4. These orders shall come into force with immediate effect."

The petitioner has not challenged the vires of B.P.Ms.No.1048, dated 23-9-1989 or Memo dated 23-10-1994. Therefore, his eligibility to be appointed as Junior Lineman will have to be determined with reference to the above reproduced qualifications. Since the petitioner does not possess the prescribed technical qualification i.e. I.T.I. or vocational course in electrical trade, rejection of his candidature cannot be termed as illegal.

The policy contained in B.P.Ms.No.36, dated 18.05.1997 envisages consideration of the candidature of only those who fulfill the prescribed qualifications and as the petitioner does not possess the qualifications prescribed by the Board, the refusal of respondent No.2 to entertain his candidature cannot be dubbed as arbitrary or violative of Articles 14 and 16 of the Constitution of India.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.27019 of 1999 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

24.01.2007
ksld